

Docket No. : 36903/SAH/C715

CHRISTIE, PARKER & HALE, LLP

Post Office Box 7068

Pasadena, CA 91109-7068

(626) 795-9900

Applicant or Patentee : Stanley E. Swirhun, et al,

Application or Patent No. : 09/484,348

Filed or Issued : January 18, 2000

Entitled : CLOSELY-SPACED VCSEL AND PHOTODETECTOR FOR
APPLICATIONS REQUIRING THEIR INDEPENDENT OPERATION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:
- an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN : Cielo Communications, Inc.

ADDRESS OF SMALL BUSINESS CONCERN : 325 Interlocken Parkway, Building A
Broomfield, Colorado 80021

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **CLOSELY-SPACED VCSEL AND PHOTODETECTOR FOR APPLICATIONS REQUIRING THEIR INDEPENDENT OPERATION** by inventor(s) **Stanley E. Swirhun and Jeffrey W. Scott** described in

- the specification filed herewith
- Application No. 09/484,348 filed January 18, 2000
- Patent No. ___ issued ___

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern

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under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME :
ADDRESS :

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME :
ADDRESS :

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING : Mark Harrington
TITLE OF PERSON IF OTHER THAN OWNER : Chief Financial Officer
ADDRESS OF PERSON SIGNING : 325 Interlocken Parkway, Building A
Broomfield, Colorado 80021

SIGNATURE Mark Harrington

DATE 6/20/00

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